

Office of Professional Accountability (OPA) Commendations & Complaints Report June 2005

Commendations:

Commendation Received in May: 18

Commendations Received to Date: 199

Rank	Summary
(2) Officers	Two officers received a letter of commendation for their respectful, professional and dependable police services in handling an underage drinking and disrupting party call.
(1) Detective	A note of appreciation was received for a detective's help in a domestic violence case. Her work was greatly appreciated.
(1) Officer	In handling a stolen vehicle call, an officer was thanked for his professionalism and courteous manner.
(1) PEO	A note of thanks was received by a parking enforcement officer for her efforts and kindness with a citizen who had her keys taken from her.
(2) Officers	Letters of commendation were received by two officers for their friendly, professional and educational manner in which they conducted themselves during a ride-along.
(1) Officer	An officer was thanked by a teacher and elementary school students for her successful coordination of a field trip to a police precinct. They appreciated the effort and the interesting tour she provided.
(1) Officer	A letter of appreciation was received by an officer for his professional manner and helpfulness while responding to a blocking vehicle call.
(1) Officer	An officer was commended for his investigation, thoughtful advice, compassion and sympathy shown while responding to a death in their family.
(2) Officers	Two officers were thanked for their involvement with a community to help alleviate problem areas.
(1) Officer	A commendation was received by an officer for his professionalism and understanding manner while investigating a disturbance.
(1) Officer	A thank you note was received by an officer from a student who had an opportunity to go on a ride-a-long.
(2) Officers	Two officers were thanked for their excellent representation of the department during an executive protection detail.
(1) Officer	An officer was thanked for her visit to an at-risk boys program. She shared with them how everyday choices can have either good or bad consequences.
(1) Officer	A note of appreciation was received by an officer from a student who went on a ride-a-long. The experience served to be very educational as well as touching on issues of community relations and safety.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

June 2005 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged that the named employees used unnecessary force while arresting him.	The complainant was contacted by police when a witness identified him as the person who had caused property damage to a nearby business. He refused to identify himself and pulled away from the officer. One officer said he took him to the ground with the assistance of other officers. The supervisor at the scene felt that the force used did not rise to the level of force triggering mandatory reporting, so a Use of Force form was not prepared by the individual officers. The complainant was highly intoxicated and does not remember much about the incident. However, the complainant did have an abrasion on his forehead, which was not explained. FINDINGS: One named employee – EXONERATED; Two named employees – NOT SUSTAINED; Named supervisor – SUPERVISORY INTERVENTION for Failure to Report Use of Force.
Complainant alleged the named employee used unnecessary force when he shoved the complainant against a wall during her arrest. It was also alleged that the named employee used profanity. It was also alleged that the named employee removed a diamond ring from the complainant.	<p>From the available evidence, it appears more likely than not that the named employee did not use excessive force. The evidence indicates, and the complainant does not deny, that she would not cooperate with handcuffing, so was pinned against the wall to be handcuffed. The complainant alleged minor injury to the inside of her lip and tooth, but the use of force photographs do not show any injuries at all. The force used was minimal, documented, and reported. Finding – EXONERATED.</p> <p>The complainant's allegations regarding profanity were inconsistent and not repeated. Finding – UNFOUNDED.</p> <p>The complainant's allegations regarding the missing ring are inconsistent and not credible. There is no indication that the named employee even knew of a ring, and none to support the charge of mishandling property. Finding – UNFOUNDED.</p>
It was alleged that the named officer used unnecessary force when he slapped the subject.	The investigation showed that the named officer had responded to a disturbance call on a bus. The subject was threatening harm to himself and others, and was sent for a mental health evaluation. While being secured to a gurney, the subject tried to leap off, jump and spit. At one point he tried to lunge at and spit at the named officer, and the named officer slapped him in the face. The officer admitted to the slap, but stated it was a defensive move to prevent the subject from assaulting or spitting at him. The witnesses agreed that the subject was trying to spit on the officer. However, the named officer had alternative responses available short of physical force that could have been used. The force used was not necessary. Finding – EXONERATED.

<p>The complainant alleged that named employees used unnecessary force when they arrested two of her children. She also alleged that a named employee used profanity and a racial slur during the incident.</p>	<p>This incident began when the complainant called 911 to request medical assistance for one of her daughters, who had been injured in a fight or assault. Dispatch information included that one of the family members was bleeding and the other was wielding a knife. Officers entered the residence and brought the parties outside to the porch. The complainant did not want police involvement, and was screaming and swearing at the police. The officers said they took one resisting sister to a patrol car, then had to deal with the sister's brother, who ran after the sister. An independent witness at the scene said that only the complainant's family was using profanity and racial terms and that the police officers were professional, tried to de-escalate the incident, and did not use unnecessary force. Findings FORCE – EXONERATED. CUBO - UNFOUNDED.</p> <p>However, in his statement to OPA, one officer described using force during one of the arrests that should have been reported according to policy. Finding Failure to Report Use of Force – SUPERVISORY INTERVENTION.</p>
<p>The complainant alleged the named employee used unnecessary force when he grabbed the subject by his shirt and pushed him around.</p>	<p>Officers contacted the complainant and a companion for an open container. Both subjects were intoxicated. The named officer stated that he used an escort move on the complainant to get him away from a crowd. The evidence was inconclusive regarding whether this escort hold was unnecessarily aggressive. Finding – NOT SUSTAINED.</p>
<p>The complainant alleged that the named officers participated in displaying excessive force while arresting the complainant and another subject.</p>	<p>The named officers responded to a disturbance call aboard a bus and ordered five subjects off the bus. One of the subjects "bumped" into an officer, knocking her forward. Several witnesses described this as deliberate. Independent witnesses, including the bus driver, report that one of the subjects continued to pursue a fight with this officer, striking her with her purse. The officer's partner intervened, and a fight between the subjects and the officers ensued. Neither of the subjects was credible, and neither showed sign of injuries. The preponderance of evidence supported the officers and there was no misconduct. Finding – EXONERATED.</p>
<p>Complainant alleged the named employees used unnecessary force during his arrest, at the precinct, and at Harborview.</p>	<p>The investigation showed that officers responded to a robbery call. The first arresting officer contacted the complainant and his arrestee and ordered them to the ground. The complainant refused, and the officer "push-kicked" him to the ground. The complainant stated that this kick was followed by more from other officers, and that his head was slammed into the ground. This is denied by responding officers, and not supported by independent witnesses. The civilian witnesses describe his conduct as out of control and resistive. Officers arriving to assist the first officer had difficulty gaining control and bringing the complainant to his feet and dropped him once or twice. The "push-kick" and the drops were documented, screened, and reported. The complainant received only minor injuries. The complainant made several inconsistent statements. Finding – EXONERATED.</p>

	The complainant's additional allegations about his treatment by SPD officers at Harborview could not be proved or disproved. Finding – NOT SUSTAINED.
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USE OF DEROGATORY LANGUAGE

Synopsis	Action Taken
The complainant alleged at a community meeting that the named officer had engaged in intimidation and made insults toward their cultural beliefs and heritage, implied threats, and issued false citations, causing them to lose business. The allegations were forwarded to OPA-IS by an SPD commander who attended the meeting.	An investigation was conducted. OPA-IS was not able to contact any of the complainants for a variety of reasons. The named officer and several officer witnesses report that, while conducting a business premise check, the people present in the business were hostile toward the officers, but that no derogatory language was used and no threats were made. During the contacts, no one was detained, patted for weapons, cited, or arrested. The facts do not support the allegations made at the meeting. Finding – UNFOUNDED.

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
The complainant alleged that an unknown SPD employee called him a "jerk" and threw the contents of his wallet to the ground.	The investigation provided little evidence. The complainant had two acquaintances with him at the time but they did not want to be identified. The complainant could not identify the officers, but only stated that they were on bicycles. The officers working bicycles that day deny having any contact with the complainant. There is no documentation that any officer contacted the complainant on the day of the alleged incident. FINDING as to Unknown Employee – NOT SUSTAINED.
The complainant alleged that the named employee used his position of authority to have a relationship with her.	An investigation was completed. The evidence showed that the named employee was the back-up officer on a call involving the complainant. The named employee saw her several days and realized he knew her from years ago. The officer and the complainant had social contacts on three occasions. The complainant states that there was sexual contact, but the officer denied any such contact. The evidence indicated that the complainant did have mental problems, which may have affected her perception of what occurred between them. There is not enough evidence to prove or disprove that the named employee used his position to take advantage of the complainant. Finding-NOT SUSTAINED.
The complainant alleged that the named employee was rude and intimidated the complainant into putting additional monies into parking meters.	The named employee was issuing a ticket to a parked vehicle with an expired meter. The complainant rushed passed the named employee and put money in the parking meters along the sidewalk. The named employee commented to the complainant that she could put money in all the meters and the employee could go to coffee. Complainant and witnesses did not return calls for contact or respond to any written correspondence. FINDING – UNFOUNDED.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

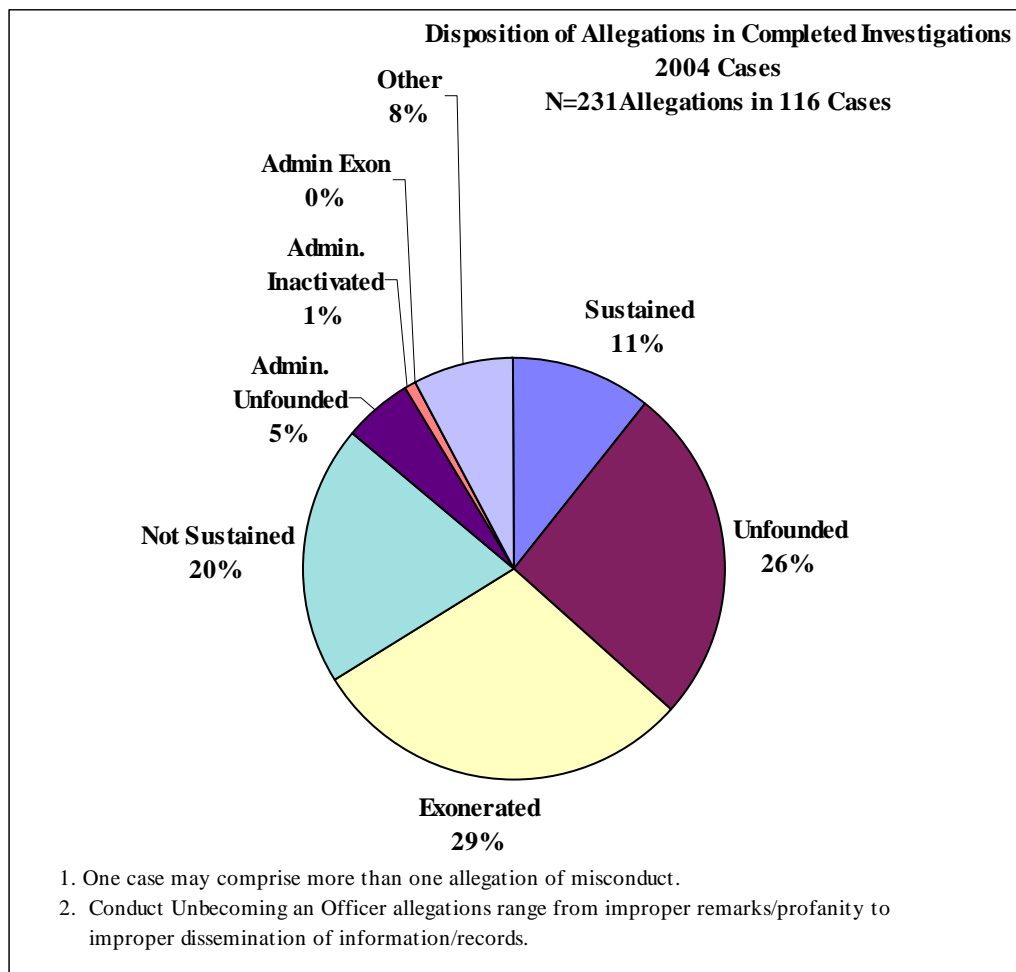
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:**2004 Contacts**

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	10	116*
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	June 2005	Jan-Dec 2005
Preliminary Investigation Reports	23	96
Cases Assigned for Supervisory Review	10	40
Cases Assigned for Investigation (IS;LI)	25	120
Commendations	18	199